



Business Regulation Committee

**Tuesday, February 21, 2006
9:00 AM - 12:00 PM
REED HALL**

ACTION PACKET

COMMITTEE MEETING REPORT

Business Regulation Committee

2/21/2006 9:00:00AM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Frank Attkisson (Chair)	X		
Thad Altman	X		
Jennifer Carroll	X		
Charles Dean			X
Susan Goldstein	X		
Kenneth Gottlieb	X		
Ron Greenstein	X		
Wilbert Holloway	X		
Dorothy Hukill	X		
Bruce Kyle			X
John Legg	X		
Marcelo Llorente	X		
Carlos Lopez-Cantera	X		
Juan-Carlos Planas	X		
Ari Porth	X		
Ron Reagan	X		
Timothy Ryan	X		
Baxter Troutman	X		
Juan Zapata	X		
Totals:	17	0	2

Committee meeting was reported out: Tuesday, February 21, 2006 12:32:38PM

COMMITTEE MEETING REPORT

Business Regulation Committee

2/21/2006 9:00:00AM

Location: Reed Hall (102 HOB)

HB 173 CS : Construction Contracts

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Jennifer Carroll		X			
Charles Dean			X		
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway		X			
Dorothy Hukill		X			
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente		X			
Carlos Lopez-Cantera		X			
Juan-Carlos Planas		X			
Ari Porth		X			
Ron Reagan	X				
Timothy Ryan		X			
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 9 Total Nays: 8					

Appearances:

Warren Husband (Lobbyist) - Opponent
Fla Assoc of General Contractors Council
P.O. Box 10909
Tallahassee Florida 32302
Phone: 850-205-9000

Laura Pearce (Lobbyist) - Proponent
Florida Assoc of Insurance Agents
403 East Park
Tallahassee Florida 32301
Phone: 850-577-0444

Tom Stahl (Lobbyist) - Proponent
FUBA
116 South Monroe Street
Tallahassee Florida 32301
Phone: 850-681-6265

Committee meeting was reported out: Tuesday, February 21, 2006 12:32:38PM

COMMITTEE MEETING REPORT

Business Regulation Committee

2/21/2006 9:00:00AM

Location: Reed Hall (102 HOB)

Brian Peterson (Lobbyist) - Opponent

American Bridge

8529 South Park Circle, Ste. 250

Orlando Florida 32819

Phone: 407-226-7085

Ron LaFace (Lobbyist) - Opponent

Ajax Building Corp

101 East College

Tallahassee Florida

Phone: 850-222-8075

John Piotto (General Public) - Proponent

Self

8200 Bryan Dairy Road, Suite 340

Largo Florida 33777

Phone: 727-460-5499

Committee meeting was reported out: Tuesday, February 21, 2006 12:32:38PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 173

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ADOPTED

2/21/06

Council/Committee hearing bill: Business Regulation
Representative(s) Troutman and Representative Greenstein offered
the following:

Amendment (with title amendment)

Between lines 73 and 74, insert:

(4) A policy of insurance issued by an authorized insurer
or self-insurance fund that is subject to ss. 631.901-631.932
may not be rejected as nonconforming by a general contractor on
the grounds that such authorized insurer or self-insurance fund
is rated or not rated by a nationally recognized insurance
rating service.

===== T I T L E A M E N D M E N T =====

Remove line 17 and insert:

under certain circumstances; prohibiting rejection of
certain policies of insurance on certain grounds; providing
an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 173

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Business Regulation

Representative Carroll offered the following:

Amendment (with title amendment)

Between lines 73 and 74, insert:

(4) A general contractor may, at any time, provide a copy of a subcontract to the subcontractor's insurance agent and request, in writing, a written certification from the insurance agent that the insurance in place for the subcontractor satisfies the terms of the subcontract. The insurance agent shall deliver the certification to the general contractor within 3 business days of receiving such a request. If the insurance in place for the subcontractor does not satisfy the terms of the subcontract, the insurance agent must specify in the certification the reason or reasons that the insurance is deficient. If the general contractor does not receive a requested certification within the specified three-day period, or if the requested certification indicates that the insurance in place for the subcontractor does not satisfy the terms of the subcontract, then the general contractor may withhold, and the subcontractor is not entitled to receive, any unpaid sums under

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

the subcontract, until such time as the general contractor
receives the requested certification that the insurance in place
for the subcontractor satisfies the terms of the subcontract.
This subsection shall also authorize such a certification
request by a general contractor or a subcontractor, with the
same terms and effect, with regard to a subcontract between a
general contractor and a materialman and a sub-subcontract
between a subcontractor and sub-subcontractor or materialman.

===== T I T L E A M E N D M E N T =====

On line 17, after the semicolon, insert:
providing for a certification establishing the sufficiency of
insurance coverage committed to in certain construction
contracts; authorizing the withholding of payments where such
certification is not provided;

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Committee on _____

Date _____

W/O
Action _____

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Committee, but not on House Floor)

Amendment No. _____

Bill No. _____

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

Representative(s)/The Committee on _____

Rep. Ryan

offered the following amendment:

Amendment *to amendment by Representative Carroll*

on page *1*, line *6*,

remove: , at any time,

and insert:

, upon receipt of the certificate of

insurance or policy of insurance,

COMMITTEE MEETING REPORT

Business Regulation Committee

2/21/2006 9:00:00AM

Location: Reed Hall (102 HOB)

HB 543 CS : Condominiums

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean			X		
Susan Goldstein	X				
Kenneth Gottlieb				X	
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente			X		
Carlos Lopez-Cantera			X		
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan	X				
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 14 Total Nays: 0					

Appearances:

Pete Dunbar (Lobbyist) - Proponent
Real Property Section, Florida Bar
215 South Monroe
Tallahassee Florida 32301
Phone: 850-222-3533

Committee meeting was reported out: Tuesday, February 21, 2006 12:32:38PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 543

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ADOPTED

2/21/06

Council/Committee hearing bill: Business Regulation

Representative(s) Goodlette offered the following:

Amendment

Remove line 31, and insert:

(1) LEGISLATIVE FINDINGS.--The Legislature finds that
condominiums are created as authorize by statute. In
circumstances that may create economic waste, areas of blight
or obsolescence of the condominium property for its intended
use, and lower property tax values resulting from such
circumstances, the Legislature further finds that it is the
public policy of this state to provide by statute a method to
preserve the value of the property interests and the rights of
alienation thereof that owners have in the condominium
property both before and after termination. The Legislature
further finds that it

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **HB 543**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ADOPTED
2/21/06

Council/Committee hearing bill: Business Regulation
Representative(s) Goodlette offered the following:

Amendment

Remove line 102, and insert:
the mortgage lien affecting the condominium parcel. Should
such approval be required and not given and should the holder
of a recorded mortgage lien object to the plan of termination,
such lienor may contest the plan as provided in subsection 16)
of this section. At the time of sale, the lien shall be
transferred to the proportionate share of the proceeds
assigned to the condominium parcel in the plan of termination
or as subsequently modified by the court.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. **HB 543**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ADOPTED
2/21/04

1 Council/Committee hearing bill: Business Regulation
2 Representative(s) Goodlette offered the following:
3
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Amendment

5 On line 308, after the word "reasonable" insert:
6 The court may modify the plan to apportion the proceeds in a
7 fair and reasonable manner as required by this section based
8 upon the proceedings and order the modified plan of
9 termination to be implemented.
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COMMITTEE MEETING REPORT

Business Regulation Committee

2/21/2006 9:00:00AM

Location: Reed Hall (102 HOB)

Summary:

Business Regulation Committee

Tuesday February 21, 2006 09:00 am

HB 173 CS Favorable With Committee Substitute

Yeas: 9 Nays: 8

HB 543 CS Favorable With Committee Substitute

Yeas: 14 Nays: 0

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